

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 31, 2005. Claims 41 to 51 are now pending in the application, with Claims 1 to 40 having been canceled herein, and new Claims 41 to 51 having been added. Claims 41, 46 and 51 are the independent claims. Reconsideration and further examination are respectfully requested.

Initially, Applicants note that the subject application has received a restriction requirement, and although the elected claims, which have received an action on the merits, have been cancelled, new Claims 41 to 51 have been formulated based on the subject matter of the elected invention.

Turning now to the substance of the Office Action, the specification was objected to. The objections are traversed. Specifically, those skilled in the art readily understand the description included in the specification and no ambiguities are contained therein. In more detail, those skilled in the art readily understand that “a deliverer of the article performs a delivery work on the basis of the designation of the date of the delivery” means that the deliverer (i.e., delivery driver) delivers the article. Those skilled in the art also readily understand that “Consequently, it obstructs a promotion of the purchase by customers” to mean that the problems described in the specification results in customers not making purchases. Nonetheless, since the foregoing portions are merely describing the background prior art and its associated problems, there is no ambiguity in understanding the claimed invention and its accompanying description. Therefore, any ambiguities in the background description are inconsequential, at best.

Moreover, the question regarding the brief description of Fig. 5 is not ambiguous, and those skilled in the art, reading the detailed description of Fig. 5 contained in the specification, readily understand that the “picture plane” corresponds to a display screen depicted on a computer display.

Thus, withdrawal of the objections to the specification are respectfully requested.

Claims 5 to 17, 22 to 34, 36, 37, 39 and 40 were also rejected under 35 U.S.C. § 112, first paragraph. Without conceding the correctness of the rejections, the claims have been cancelled, thereby obviating the rejections. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 5 to 11, 13, 22 to 28, 30, 36, 37, 39 and 40 were rejected under 35 U.S.C. § 103(a) over an article to Rao, et al. entitled “Building a World-Class Logistics, Distribution and Electronic Commerce Infrastructure” in view of Official Notice, Claims 14 to 17 and 31 to 34 were rejected under § 103(a) over Rao in view of an article to Pastore entitled “Special Delivery” and Official Notice, and Claims 12 and 29 were rejected under § 103(a) over Rao in view of an article to Belford, et al. entitled “Old Product, new use: Re-conditioning toner cartridges puts MKG on top” and Official Notice. Again, without conceding the correctness of the rejections, inasmuch as the rejected claims have been cancelled, the rejections are believed to be obviated. Nonetheless, reconsideration and withdrawal of the rejections are respectfully requested. Additionally, Applicants submit that newly-added Claims 41 to 51 are believed to be allowable over the art of record for at least the following reasons.

The present invention concerns taking orders for delivery of a new article or pick-up of an expendable article for recycling. According to the invention, when an order for an article (e.g., deliver of a new article or collection of an expended article) is received, including an amount of the article included in the order, the amount is added to weight information or volume information of the article included in an article information table to the condition information stored in an order condition information storage unit. The condition information after the addition is compared with a standard value relating to a loading capacity of a vehicle, and if the comparison shows that the addition exceeds the standard value, service information common to ordered articles is changed, where the service information corresponds to one of allocation dates of a vehicle that carries articles for fulfilling the order. As a result, if multiple customers order an amount of articles for delivery or collection in a common area on the same date such that the total order from all customers exceeds a loading capacity of the delivery vehicle, the date of delivery/collection for some of the customers can be changed and the customers are notified of the date change.

Referring specifically to the claims, newly-added independent Claim 41 is directed to an order taking apparatus comprising a communication unit adapted to communicate information with a plurality of terminal apparatuses through a predetermined communication line so as to receive an order for an article including a designation of a specific date regarding the order from each of the plurality of terminal apparatuses, a service information storage unit adapted to store service information on a service corresponding to an order for an article, a screen information transmission unit adapted to transmit information in a mark-up language for an ordering screen to the plurality of terminal apparatuses, an order condition information storage unit

adapted to store condition information for the order for the article received by the communication unit from each of the plurality of terminal apparatuses, a reception unit adapted to receive amount information on an amount of the article included in the order from each of the plurality of terminal apparatuses, an adder unit adapted to add weight information or volume information of the article included in an article information table corresponding to the amount information received by the reception unit to the condition information stored in the order condition information storage unit, a comparison unit adapted to compare the condition information after addition by the adder unit with a standard value relating to a loading capacity of a vehicle, a changing unit adapted to change service information common to the orders for the articles received from the plurality of terminal apparatuses included in the service information stored in the service information storage unit, if the comparison made by the comparison unit shows that the condition information after the addition by the adder unit exceeds the standard value, and a service information transmission unit adapted to transmit the service information changed by the changing unit to the plurality of terminal apparatuses, wherein the service information corresponds to one of allocation dates of a vehicle that carries the articles for fulfilling the order.

Newly-added independent Claims 46 and 51 are method and computer-readable medium claims, respectively, that substantially correspond to Claim 41.

The art of record, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claim 41, 46 and 51, and in particular, is not seen to disclose or to suggest at least the feature of an order taking apparatus adding weight information or volume information of an ordered article included in an article information table corresponding to amount information received with the order to

stored order condition information, comparing the condition information after addition with a standard value relating to a loading capacity of a vehicle, and if the comparison shows that the condition information after the addition exceeds the standard value, changing service information common to orders for articles received from a plurality of terminal apparatuses, where the service information corresponds to one of allocation dates of a vehicle that carries the articles for fulfilling the order.

Rao is merely seen to disclose an article of a very broad nature that describes steps that FedEx has taken to implement an online delivery service. In one paragraph, it is asserted that FedEx has also implemented a way for customers to return items using the online system. Thus, while Rao may provide for a very broad description of an online ordering system, Applicants fail to see any detailed description of the systems implementation, much less that any description of an order taking apparatus adding weight information or volume information of an ordered article included in an article information table corresponding to amount information received with the order to stored order condition information, comparing the condition information after addition with a standard value relating to a loading capacity of a vehicle, and if the comparison shows that the condition information after the addition exceeds the standard value, changing service information common to orders for articles received from a plurality of terminal apparatuses, where the service information corresponds to one of allocation dates of a vehicle that carries the articles for fulfilling the order.

The Office Action took Official Notice that it is old and well known in the art to check the status of orders. While this may in fact be the case, the invention does not check the status of orders, but includes conditions that determine allocation

dates based on weight and/or volume of articles ordered in comparison with a standard value relating to a loading capacity of a vehicle. Thus, the Official Notice does nothing to make up for Rao's deficiencies.


The articles to Pastore and Belford have been studied but are not seen to add anything that, when combined with Rao and/or any of the points raised regarding Official Notice, would have resulted in the feature of an order taking apparatus adding weight information or volume information of an ordered article included in an article information table corresponding to amount information received with the order to stored order condition information, comparing the condition information after addition with a standard value relating to a loading capacity of a vehicle, and if the comparison shows that the condition information after the addition exceeds the standard value, changing service information common to orders for articles received from a plurality of terminal apparatuses, where the service information corresponds to one of allocation dates of a vehicle that carries the articles for fulfilling the order.

In view of the deficiencies of the art of record, all of Claims 41 to 51 are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be
directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Kmett', is written over a horizontal line.

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